

REMARKS

1. The Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,786,863 to Abbasi (hereafter “the ‘863 Patent”) in view of U.S. Patent 5,913,727 to Abdoot (hereafter “the ‘727 Patent”) and U.S. Patent 5,583,478 to Renai (hereafter “the ‘478 Patent”). Applicant has amended the claims to distinguish the invention from the cited art.

ARGUMENT

I. THE CITED PRIOR ART DOES NOT DISCLOSE, TEACH, OR SUGGEST ALL THE LIMITIATIONS OF THE AMENDED CLAIMS

The Examiner rejected Claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,786,863 to Abbasi (hereafter “the ‘863 Patent”) in view of U.S. Patent 5,913,727 to Abdoot (hereafter “the ‘727 Patent”) and U.S. Patent 5,583,478 to Renzi (hereafter “the ‘478 Patent”). The ‘863 Patent does not disclose, teach, or suggest having a particular address for the actuators, surrogates, or any portion of the surrogates, or using a garment containing actuators. *Office Action*, p. 2.

The Examiner relied upon the ‘478 Patent to disclose the element of actuators “individually addressable by the computer...” *The ‘478 Patent, col. 10, ln. 3-5*. The Examiner relied on ‘727 Patent to disclose the element of a garment with actuators. *The ‘727 Patent, col. 5, ln. 47-52*.

The amended independent claims include as essential claim elements 1) an oscillating motor embedded in a garment, 2) designating the oscillating motor with a logic address, 3) an information packet including that logic address, 4) multiple modes of operation, and 5) high-speed control interface. The ‘498 Patent discloses and uses an oscillating motor or group of oscillating motors, which will activate the specified oscillating motor or motors to support multiple modes of operation. *Application, p. 12-13, 77, and 80*. The cited art does not suggest, teach, or disclose, alone or in combination 1) an oscillating motor, 2) designating the oscillating motor with a logic address, 3) an information packet including that logic address, 4) multiple modes of operation, or 5) a high-speed control interface. Since the cited art fails to disclose, suggest, or teach these five essential claim elements, alone or in combination, a §103(a) rejection cannot be

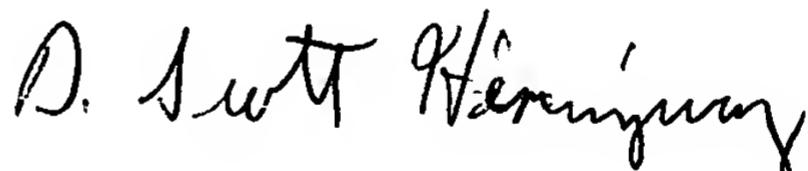
sustained by the cited references.

II. CONCLUSION

The Applicant respectfully requests reconsideration of the present application because the Examiner's 35 U.S.C. § 103(a) rejection is believed to have been traversed by the present Response. Pending claims 1-20 are believed allowable because the claimed invention is not disclosed, taught, or suggested by the cited references. The amended independent claims 1, 8, and 15 clearly set forth limitation not disclosed, taught, or suggested by the cited art. Since the dependent claims add further limitations to the allowable independent claims, the Applicants believe the dependent claims are likewise allowable. Accordingly, the Examiner's 35 U.S.C. §103(a) rejection should be traversed and pending claims 1-20 allowed.

It is believed that no additional fees are necessary for this filing. If additional fees are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,



D. Scott Hemingway
Reg. No. 36,366
Attorney for Applicant

Hemingway, LLP
460 Preston Common West
8117 Preston Road
Dallas, Texas 75225
(214)292-8301 (voice)
(214)739-5209 (fax)